

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
April 9, 2003

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Mayor David Dermer
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

- PA1 D-Announcement of the Redesign Miami Beach Flag Contest Winner. (Dermer)
- PA2 Cert. of Apprec./Richard Booth, Southern Wine & Spirits, Contribution to the City. (Dermer)
- PA3 Presentation by Luis Salom, Miami Beach Sharks Baseball Team & Optimist Club. (Dermer)
- PA4 D-Cert. of Apprec./Winter Music Conference/Dancestar Awards, Director's & Executive Producer's.
- PA5 Cert. of Apprec./Several Individuals, Donated the Cost of Painting Fence at Feinberg Fisher. (Bower)
- PA6 Cert. of Apprec./David Ewing, Donated an Automated External Defibrillator to the City. (Dermer)
- PA7 Presentation in Memory of Andrew Batavia, Esquire. (Dermer)
- PA8 Presentation for Isabel Hyman in Honor of her Retirement. (Gross/Cruz)

- C2A BA 32-02/03, 21st Street Community Center HVAC Renovations, \$71,995.

- C4A Ref: Community Affairs Committee - Honor Joseph Nevel's Memory in Collins Park Area. (Smith)
- C4B Ref: Land Use & Development Committee - Small Business Concurrency Exemption.
- C4C Ref: Joint Fin. & CWP, Land Use & Devlp't, & TPC - Citywide Parking Demand Analysis.
- C4D Ref: Finance & Citywide Projects Committee - City Fees for FY 2003/04.
- C4E Ref: Community Affairs Committee - Memorial in Honor of the Late Maurice Gibb. (Steinberg)

- C6A Report: Neighborhoods Committee Meeting of March 24, 2003.
- C6B Report: Community Affairs Committee Meeting of March 25, 2003.
- C6C Report: Finance & Citywide Projects Committee Meeting of March 26, 2003.

- C7A Approp. Unallocated Funds, Supplement the Normandy Park & Pool Project Construction Fund.
- C7B Appropriate Mid-Beach Quality of Life Funds, Scott Rakow Youth Center Project.
- C7C Approve Settlement of Outstanding Liens with Bay Drive Condominium.
- C7D Authorize Purchase of Morning Pride Basofil Bunker Gear for Use by the Fire Department.
- C7E Establish April 2003 as "Fair Housing Month" in the City of Miami Beach.
- C7F Execute Interlocal Agmt Extension w/ M-D County, Non-Ambulatory Transportation Services.
- C7G Retroactively Declare Parking Emergency on 3/24-3/27; 4/2-4/3; & 4/4-4/7, Film Productions.
- C7H Approve Settlement of Liens on Real Property at 320-330 86th Street.
- C7I Proclaim April 21, 2003 Through April 27, 2003 "National Community Development Week."

REGULAR AGENDA

- R5A **10:30 a.m. 2nd Rdg**, Livestock - Strike Selections from LDR's/Transfer to Ch. 10, "Animals."
 R5B **10:35 a.m. 2nd Rdg**, Repealing the Nuisance Abatement Board Ordinance.
 R5C **1st Rdg**, Amend Code, Mitigation Hearings be Heard by Special Master.
 R5D **1st Rdg**, Living Wage Requirements for City Service Contracts & City Employees.
 R5E **1st Rdg**, Amend No. 1605 Unclassified Employees Salary Ordinance (COLA).
 R5F **1st Rdg**, Amend No. 789 Classified Employees Salary Ordinance (COLA).
 R6A Report: Land Use & Development Committee Meeting of March 17, 2003.
- R7A **Joint**, Execute Lease Agmt, Murano Grande Project Parking Garage at SSDI-North Parcel.
 R7B **11:00 a.m.** Adopt BODR & Addendum No. 1, Bayshore R-O-W Improvement Project.
 R7C Authorize/Provide Input for City's Submittal of an Update to the Beachfront Mgmt Plan.
 R7D Appropriate Additional Funds to the Reserve for Contingencies in the General Fund.
 R7E Set a Cap for Daily Fines Imposed by the Special Master for Life Safety Violations.
- R9A Board and Committee Appointments.
 R9A1 Health Advisory Committee Appointments.
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C **2:00 p.m. Open/Cont.**, Request by the Lofts at South Beach to Review a DRB Decision.
 R9D **10:45 a.m.** Disc. North Beach Residents Coalition. (Bower)
 R9E Disc. Information about Activities of Boards & Committees outside the City. (Bower)
 R9F **5:00 p.m.** Disc./Verbal Report, Mayor on the Move South Beach Meeting. (Dermer)
 R9G **3:00 p.m.** Disc. Design/Construction of the Miami Beach Golf Club on Alton Road. (Garcia)
 R9H Disc. Status Report on Miami Beach's Role in the Upcoming FTAA Ministerial. (Dermer)
 R9I Disc. Urging Florida House & Senate to Ratify the Equal Rights Amendment. (Dermer)

REPORTS AND INFORMATIONAL ITEMS

- A Parking Status Report.
 B Status Report on Fire Station No. 2.
 C Status Report on Fire Station No. 4.
 D Report on Federal, State, Miami-Dade County & All Existing City Contracts for Renewal.
 E Analysis of Budget to Preliminary Actual Revenues/Expenses for Year Ended 9/30/02.
 F **W**-Transportation & Parking Committee Oral Report by Stephen Nostrand.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues/Expenditures of RDA for Month of February 2003.
 3A **Joint**, Execute Lease Agmt, Murano Grande Project Parking Garage at SSDI-North Parcel.
 3B Accept Recomm., Leasing/Mgmt of Retail Component of Anchor Shops & Parking Garage.

Meeting called to order at 9:24:33 a.m.

Pledge of Allegiance led by Chief De Lucca.

Inspirational Message given by Father Noel Bennett from St. Joseph's Catholic Church.

Addendum Items: C4E, C7I, R9H, and R9I.

ACTION: Motion made by Commissioner Bower to add items C4E, C7I, R9H, and R9I as emergency items to the agenda; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz.

Supplemental Materials: C7B (Resolution), C7H (Resolution), and R5C (Ordinance).

PA - Presentations and Awards

- PA1 Announcement Of The Redesign Of The Miami Beach Flag Contest Winner.
(Requested By Mayor David Dermer)
(Deferred From March 19, 2003)

ACTION: Item deferred.

- PA2 Certificate Of Appreciation To Be Presented To Richard Booth Of Southern Wine And Spirits, For His Valuable Contribution To The City Of Miami Beach.
(Requested By Mayor David Dermer)
(Deferred From March 19, 2003)

ACTION: Item deferred.

- PA3 Presentation By Mr. Luis Salom Regarding An Update On The Miami Beach Sharks Baseball Team And The Miami Beach Optimist Club.
(Requested By Mayor David Dermer)
(Deferred From March 19, 2003)

ACTION: Item deferred.

- PA4 Certificates Of Appreciation To Be Presented To The Winter Music Conference Director's Bill Kelly And Louis Possenti, And The Dancestar Awards Executive Producer's Andy Ruffell And Ashley Tabor, For Their Years Of Service To The City Of Miami Beach.
(City Manager's Office)

ACTION: Item deferred.

9:37:31 p.m.

- PA5 Certificates Of Appreciation To Be Presented To Several Individuals Who Donated For The Cost Of Painting The Fence At Feinberg Fisher Elementary.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Certificates presented to Stu Blumberg, Scott Robins, Joe Fontana, Tony Bello (Charter Communications), Michael Kadosh, Scott Needleman, Artie Schultz (Gold Star Parking), and the Boucher Brothers.

Commissioner Bower introduced Stu Blumberg who was instrumental in this community initiative.

Stu Blumberg stated that this is a spin off of the Mayor's Blue Ribbon Tourism Task Force. He stated that this effort was made possible because of the contributions of the others being recognized here today.

Commissioner Bower thanked Stu Blumberg, Scott Robins, Joe Fontana, Tony Bello, Michael Kadosh, Scott Needleman, Artie Schultz, and the Boucher Brothers for their assistance. She expressed her gratitude to everyone involved and is happy that this community has citizens that get involved.

Vice-Mayor Garcia stated that his orange Kiwanis Club jacket is to promote the Kiwanis/Chamber of Commerce Golf Tournament being held on Monday, April 14. He stated that about two years ago the National Guard repaired the WWII Statue at Feinberg/Fisher Elementary School. He stated that the statue has been vandalized again. He asked if this could be incorporated into the refurbishments being

done at the school.

New Item:

Bernie Weiner from the Police Athletic League, PAL, stated that PAL is having a raffle for a 2002 Harley Davison motorcycle with a matching trailer, a Yamaha wave runner, a mountain bike and a 27-inch Sony television. The tickets are \$10 a ticket.

9:44:38 a.m.

PA6 Proclamation To Be Presented To David Ewing Of Skyservice, For Donating An Automated External Defibrillator (AED) To The City Of Miami Beach.
(Requested By Mayor David Dermer)

ACTION: Proclamation presented.

Chief Jordan spoke.

Acting Division Chief for Rescue, Fire Captain Duckworth spoke.

David Ewing spoke. He also stated that Skyservice has committed to donating one defibrillator a year for three (3) years.

9:51:41 a.m.**New Item:**

Joe Fontana stated that the Mayor during the State of the City address thanked a lot of people for their hard work. He stated that no one thanked the Mayor for all of his hard work. The members of the Miami Beach Condominium and Homeowners Alliance acknowledged the hard work of the Mayor and presented the Mayor with a plaque

Mayor Dermer stated that the Commission and the City Manager are a team and the work could not have been accomplished without everyone's effort. He accepted the plaque on behalf of the City.

PA7 Presentation In Memory Of Andrew I. Batavia, Esquire Who Passed Away January 6, 2003.
(Requested By Mayor David Dermer)

ACTION: Item deferred. Lilia Cardillo to place on April 30 Agenda.

- PA8 Presentation By Commissioners Gross And Cruz For Isabel Hyman In Honor Of Her Retirement.
(Requested By Commissioners Saul Gross & Simon Cruz)

ACTION: Presentation made.

Commissioners Gross and Cruz thanked Isabel for her hard work. She is a fantastic City employee and exemplifies the customer service we like to give our citizens. He thanked her for her services over the years.

Isabel Hyman spoke.

Phil Azan, Building Department Director, spoke.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Vice-Mayor Garcia; Voice vote: 6-0; Absent: Commissioner Cruz.

C2 - Competitive Bid Reports

9:55:03 a.m.

- C2A Request For Approval To Award A Contract To Thermal Concepts, Inc. In The Amount Of \$71,995, Pursuant To Invitation To Bid No. 32-02/03, For The 21st Street Community Center HVAC Renovations.
(Public Works)

ACTION: Item separated for discussion by Commissioner Gross. Award approved. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Fred Beckmann to handle.

Commissioner Gross stated that he wanted to thank the Commission for their support. The City saved \$13,547 after re-bidding. This is a cause where taxpayer money was saved.

C4 - Commission Committee Assignments

- C4A Referral To The Community Affairs Committee - Discussion Regarding Honoring The Memory Of Joseph Nevel Somewhere In The Collins Park Area.
(Requested By Commissioner Jose Smith)

ACTION: Item referred. Mayra Diaz Buttacavoli to place on the agenda.

9:56:15 a.m.

C4B Referral To The Land Use And Development Committee - Discussion Regarding A Small Business Concurrency Exemption.

(City Manager's Office)

ACTION: Item separated for discussion by Commissioner Gross. Dual referrals. Motion made by Commissioner Gross to: 1. Expedite the process to have a dual referral to the Land Use and Development Committee and the Planning Board and 2. Assigning Commissioner Gross as the liaison to the Citizens Ad Hoc Committee To Participate In The Review Of The City Of Miami Beach Concurrency Management System and the Administration; seconded by Vice-Mayor Garcia; Voice vote: 7-0. Jorge Gomez to place on the agendas. Fred Beckmann to handle.

Commissioner Cruz stated that this is having an impact on a daily basis. He stated that he would like the Administration to report on how this process can be expedited and if the Committee can't expedite the process then the Commission needs to facilitate the process by designating a Commissioner to interact with the Administration. He requested a status report from the Committee.

Commissioner Gross stated that he would be happy to serve as the liaison between the Committee and the Administration.

Robert Middaugh in addressing Commissioner Smith's question that the Florida Department of Community Affairs (DCA) ultimately has to sign-off on any changes to the Concurrency Management System, stated that the Administration does not expect a delay. There is a preliminary ruling from the DCA that deals with the principle issue of the shift of any costs to others in the system and have received guidance on how to proceed.

Vice-Mayor Garcia stated that he would like to see someone higher up in the Administration monitor the process. **Fred Beckmann to handle.**

C4C Referral To The Joint Finance And Citywide Projects, And Land Use And Development Committee, And Transportation And Parking Committee To Review And Discuss The Final Draft Of The Supply/Demand Component Of The Walker Parking Citywide Parking Demand Analysis.

(Parking Department)

ACTION: Item referred. Patricia Walker, Jorge Gomez and Saul Frances to coordinate a meeting. Saul Frances to handle.

C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding City Fees For FY 2003/04.

(Finance Department)

ACTION: Item referred. Patricia Walker to place on the agenda and to handle.

Addendum item:

C4E Referral To The Community Affairs Committee - Discussion Regarding Placing A Memorial In Honor Of The Late Maurice Gibb.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Item referred. Mayra Diaz Buttacavoli to place on the agenda.

C6 - Commission Committee Reports

C6A Report Of The Neighborhoods Committee Meeting Of March 24, 2003: **1)** Discussion Regarding The

City's Enforcement Of The Noise Ordinance; **2)** Discussion Regarding Honoring The Late Assistant City Attorney Larry Levy For His Years Of Dedication And Adoration For Our City; **3)** Discussion Regarding The Procedural Policy For Noise Violation Enforcement; And **4)** Discussion Regarding The Proposed Charter For The City Regulatory Review Committee.

ACTION: Written report submitted.

Item 1.

Commissioner Cruz stated that the City Commission must develop a policy to balance the needs of the residential and business communities. He suggested possibly looking at ways to tie the enforcement action to a business license. **Robert Middaugh to handle.**

The Committee did not make a motion on this item.

Item 2.

Commissioner Steinberg suggested having the City Attorney's Office implement a summer intern program named after Mr. Levy. Vice-Mayor Garcia would speak to Murray Dubbin, City Attorney, and Mrs. Levy regarding the scholarship and report back to the Neighborhoods Committee regarding the recommendation.

The Committee did not make a motion on this item.

Item 3.

The Committee unanimously approved a motion to approve the policy and to make the following changes to the policy for violation enforcement: if Special Master Hearing continuances go past 30 days, the business must cease and desist outdoor operations that are the source of the pending violation until such time as the matter is heard by the Special Master and that the Occupational License ordinance and/or issuance be amended to reflect cessation of use pending the outcome of the Special Master hearing. Additionally, the Administration will make the recommended changes to the policy and take the revised policy to a workshop with residents and business to gather input on the policy. **Al Childress to handle.**

Item 4.

The Committee unanimously passed a motion approving the Guidelines of the City Regulatory Review Committee and amending the composition of the Committee by having the Mayor and City Commissioners appoint two members each to serve; one resident and one person representing the business community, for a total of 14 Committee members. **Vivian Guzman to handle.**

10:10:00 a.m.

C6B Report Of The Community Affairs Committee Meeting Of March 25, 2003: **1)** Discussion On Process To Evaluate The Special Masters; **2)** Discussion Regarding Review Of The Usage Of Television Channel 20; **3)** Discussion Regarding Televising The Special Master Cases On Public Access Channel 20; And **4)** Discussion Regarding Proposed Amendment To Ordinance Prohibiting Campaign Contributions By Real Estate Developers And Their Lobbyists.

ACTION: Written report submitted. Item separated for discussion by Commissioner Gross. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 7-0.

Item 1.

Robert Parcher, City Clerk, presented the survey conducted of 17 municipalities and Monroe County reflecting the term, special qualifications, and evaluation process; and he also presented the proposed Special Master Complaint process. Commissioners Bower, Cruz, and Steinberg endorsed the Special Master Complaint process. Commissioner Gross will provide a copy of the Complaint process to the attorneys appearing before the Special Master for comments. **R. Parcher to notify Chief Special Master Robert Newman.**

Item 2.

The Committee discussed and agreed that expansion of programming on Channel 20 should be done by airing promotional pieces on Miami Beach acquired from the Visitors and Convention Authority, and on recreational programming. **R. Parcher, Grisette Roque Marcos, and Kevin Smith to handle.**

Discussion held.

Commissioner Gross stated that the Committee made a recommendation to not have so much down time on the channel. Some suggestions to decrease down time were made by the Committee. In the mean time the Committee recommended replaying videos, which the City already has, more frequently.

Vice-Mayor Garcia stated that he is disappointed that the Committee chose not to televise Special Master Hearings and he will make this a campaign issue.

Commissioner Smith stated that it is not an issue of whether this Commission wants to televise the meetings. It is a question of the integrity and the independence of the Special Master who acts as a quasi-judicial officer. He stated that he doesn't think the Commission should impose televising the meeting.

Mayor Dermer stated that the sentiment is to televise what we already have more frequently.

Item 3.

The City Attorney's Office issued a legal opinion stating the jurisdiction of televising Special Master Hearings is with the Special Master. A motion was made by Commissioner Gross to not televise Special Master Hearings, seconded by Commissioner Steinberg. Commissioner Cruz also agreed to the motion. Vice-Mayor Garcia was opposed to the motion.

Item 4.

The City Attorney's Office recommended striking Sections A (4) (a), (g) and (h) because there is no compelling public purpose and the current wording does not cover single family homes homeowners who request vacating of alleys, street closings and request to use government use (GU) property. The Committee recommended amending the ordinance by removing Sections A (4) (a), (h) and (i) and amending the language in Section (g) to exclude Homestead.

Vice-Mayor Garcia made a motion to endorse the ordinance as amended and for the Blue Ribbon Committee to revisit the proposed ordinance when they convene after the November 2003 election. Seconded by Commissioner Gross, those in favor were Commissioners Bower, Cruz and Steinberg.

- C6C Report Of The Finance And Citywide Projects Committee Meeting Of March 26, 2003: **1)** The Construction Budget Related Aspects Of The Byron Carlyle Theater; **2)** Living Wage Ordinance; And **3)** "Parking For Special Events" Ordinance.

ACTION: Written report submitted.

Item 1.

The Committee passed a motion expressing their support of the Byron Carlyle Theater construction project and directed the Administration to proceed with their efforts of completing and opening the theater in time and within budget. **Brad Judd handling.**

Item 2.

The Committee made a motion endorsing Administration's recommendations that the Living Wage Ordinance not be amended to require all contracts to comply with the Living Wage Rate and to only apply the Living Wage Rate to new contracts issued by the City of Miami Beach.

Item 3.

The Committee directed the Administration to establish a process and fee structure for administering vacant lots used for emergency parking during special events with a waiver provision for non-for-profit groups, and to bring back the completed process to the full Commission. **Legal Department - Gary Held to handle.**

C7 - Resolutions

- C7A A Resolution Authorizing And Approving The Appropriation Of \$150,000 Of Unallocated 1999 General Obligation Bond Parks Funds (Previously Allocated For Shane Watersports Center) To Supplement The Normandy Park And Pool Project Construction Fund.
(Capital Improvement Projects)

ACTION: Resolution No. 2003-25161 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

10:14:27 a.m.

Supplemental Material-Resolution:

C7B A Resolution Appropriating Funding In The Amount Of \$200,000, From The Mid-Beach Quality Of Life Funds, To The Scott Rakow Youth Center Project, For Additional Change Orders And Contingency Necessary To Complete The Project.
(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2003-25162 adopted. Motion made by Commissioner Bower seconded by Commissioner Gross; Voice vote: 7-0. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Commissioner Gross stated he is in favor of the item however he didn't feel it was appropriate for the Consent Agenda. Mid Beach residents are asking for the status of the construction of the Youth Center. He requested the Administration to give an update on the construction status.

Tim Hemstreet, CIP Director, gave an overview of the project. He also stated that at the request of the Parks and Recreation Department, Phase II will be delayed until after the summer recreation programs are over.

Commissioner Gross asked if the City is locked into the same contactors.

Tim Hemstreet stated that discussions are being held with both the contractor and the surety.

Commissioner Gross stated that since Phase II is going to be delayed anyway, to have a forum so that the resident can have input. **Tim Hemstreet to handle.**

Jorge Gonzalez, City Manager, in responding to Vice-Mayor Garcia's question regarding Fire Department inspections, stated that some of the cost and rework being done in Phase I is due to final inspections of the Fire Department and the Building Department and some of the requirements for chiller and ice machine to make sure it is safe. The City is treating itself just as a private developer.

Jorge Gonzalez, City Manager, announced that the City hired a new Fire Marshal and she will start in early June. She is coming from the City of Orlando. She is very well qualified and regarded.

Commissioner Smith stated his concerns are with the issues of errors and omissions on the part of the consultant. It appears that the Administration wants to wait until the end of the project to try to recover money due to errors from the consultant. He stated that the Administration needs to talk to the City Attorney regarding the statute of limitation for this type of claim. He does not recommend waiting to the end of the job. If the notice to proceed was given in April 2001, the City is running out of time. **Tim Hemstreet to handle.**

C7C A Resolution Approving A Settlement Between The City Of Miami Beach And The Condominium Association Inc. Representing The Bay Drive Condominium Located At 6881 Bay Drive Which Shall Provide For A \$13,800 Payment To The City Of Miami Beach In Full Settlement Of The Outstanding Liens In The Amount Of \$259,803.95.
(City Manager's Office)

ACTION: Resolution No. 2003-25163 adopted. Robert Middaugh and Robert Parcher to handle.

- C7D A Resolution Authorizing The Purchase Of The Morning Pride The Manufacturer Of Basofil Bunker Gear, Consisting Of 25 Tailcoats And 25 Pants, From The Sole Source And The Only Authorized Distributor For Morning Pride Clothing In The State Of Florida, Fisher Scientific, At A Total Cost Of \$33,750, For Use By The Fire Department Of The City Of Miami Beach.
(Fire Department)

ACTION: Resolution No. 2003-25164 adopted. Chief Jordan to handle.

- C7E A Resolution Establishing April 2003 As "Fair Housing Month" In The City Of Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2003-25165 adopted. Vivian Guzman to handle.

- C7F A Resolution Authorizing The Mayor And City Clerk To Execute An Extension Of An Interlocal Agreement Between Miami-Dade County And The City Of Miami Beach For Non-Ambulatory Transportation Services.
(Police Department)

ACTION: Resolution No. 2003-25166 adopted. Chief De Lucca to handle.

- C7G A Resolution Retroactively Approving The Actions Of The Administration With Respect To Finding And Declaring The Existence Of Citywide Parking Emergencies With Respect To Increased Traffic And Parking Issues Caused As A Result Of Increased Film Production Activities Taking Place In The City Of Miami Beach On March 24-27 And April 2-3, 2003, And April 4-7, 2003, For The Film Productions "Stuck On You," And "The Hotel Project," Respectively; To Alleviate Said Parking And Traffic Emergencies, Allowing For The Provision Of Specified Vacant Surface Lots Citywide, As Designated By The Administration; Provided That The City Shall Further Require Parking Operators To Secure The Appropriate Insurance And Occupational Licenses Required By The City Code To Operate Self Parking Operations For The Purposes Set Forth In This Resolution.
(Parking Department)

ACTION: Resolution No. 2003-25167 adopted.

Supplemental Material-Resolution:

- C7H A Resolution Approving A Settlement Regarding Liens On Real Property At 320-330 86th Street Owned By Maclaud Corporation Providing That Liens In The Amounts Of \$235,416.80 Be Settled For The Amount Of \$23,541.60
(City Manager's Office)

ACTION: Resolution No. 2003-25168 adopted. Robert Middaugh and Robert Parcher to handle.

Addendum Item:

- C7I A Resolution Proclaiming April 21, 2003 Through April 27, 2003 "National Community Development Week" In The City Of Miami Beach.
(Neighborhood Services)

ACTION: Resolution No. 2003-25169 adopted. Vivian Guzman to handle.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances**11:28:11 a.m.**

R5A Livestock - Striking The Selections From LDR's And Transferring To Chapter 10, "Animals" An Ordinance Amending Chapter 142 Of The Miami Beach City Code Entitled "Zoning Districts And Regulations" Article IV Thereof Entitled "Supplementary District Regulations," Division 1 Entitled "Generally," Section 142-876, "Keeping Livestock Prohibited," And Section 142-877, "Maximum Number Of Animals On Premises," By Deleting These Sections And Transferring These Provisions To Chapter 10; And Amending Chapter 10 Entitled "Animals," By Creating Section 10-15 "Keeping Livestock Prohibited," Including A Provision That The Maintaining Of Livestock For Public Events For Temporary Periods Of Time May Be Allowed, As Approved By The City Manager Or His/Her Designee; And Creating Section 10-16 "Maximum Number Of Animals On Premises"; Providing For Codification, Repealer, Severability, And An Effective Date. **10:30 a.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading On March 19, 2003)

ACTION: Public Hearing held. **Ordinance No. 2003-3404 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Garcia; Ballot vote: 6-0; Absent: Commissioner Bower. Robert Parcher to transmit to Municipal Code Corporation. Al Childress to handle.

Commissioner Smith asked about the limit of ten domestic animal rule. He asked who picked ten.

Jorge Gomez, Planning Director, stated that the number of ten has been in place since 1963.

Commissioner Smith stated that it is not urgent, but at some future time, this needs to be reviewed.

Commissioner Steinberg clarified that the legislative intent is to exclude fish or marine life.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

11:32:58 A.M.

R5B An Ordinance Repealing Sections 2-190.56 Through 2-190.59, Of Division 22 Entitled "Nuisance Abatement Board," Of Article III Entitled "Agencies, Boards And Committees," Of Miami Beach City Code Chapter 2 Entitled "Administration"; Repealing Section 70-181 Entitled "Definitions," Of Miami Beach City Code Chapter 70 Entitled "Miscellaneous Offenses"; And Repealing Sections 70-231 Through 70-235 Of Division 3 Entitled "Abatement Procedures," Of Article IV, Entitled "Criminal Nuisances," Of Miami Beach City Code Chapter 70 Entitled "Miscellaneous Offenses"; Providing For Severability, Codification, And An Effective Date. **10:35 a.m. Second Reading, Public Hearing.**

(City Attorney's Office)

(First Reading On March 19, 2003)

ACTION: Public Hearing held. **Ordinance No. 2003-3405 adopted.** Motion made by Commissioner Cruz; seconded by Vice-Mayor Garcia; Ballot vote: 6-0; Absent: Commissioner Bower. Robert Parcher to transmit to Municipal Code Corporation and handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

12:19:55 p.m.**Supplemental Material-Ordinance:**

R5C An Ordinance Amending Section 30-76(B) Of The Miami Beach City Code Entitled "Mitigation," Providing For Mitigation Hearings To Be Heard By The Special Master Within One Year Of The Issuance Of The Affidavit Of Compliance; Providing The Special Master May Also Hear Mitigation Requests Beyond One Year After The Affidavit Of Compliance Upon Approval Of The Administration; Providing For A Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Neighborhood Services)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 30, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Robert Middaugh to handle.

Commissioner Steinberg asked how these will interact with the requirement on mitigations over \$100,000 coming to the City Commission for approval.

Robert Middaugh, Assistant City Manager, stated that as the ordinance is written currently it would not require City Commission approval.

Amendment:

Commissioner Steinberg offered the amendment that any mitigation over \$100,000 should come to the City Commission for approval. Commissioner Bower accepted the amendment.

12:18:52 p.m.

R5D An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration"; By Amending Article VI, Entitled, "Procurement"; By Amending Division 6, Entitled "Living Wage Requirements For City Service Contracts And City Employees"; By Amending Section 2-408(b), Entitled "Health Benefits," Therein, To Prescribe A Maximum Period Of Time For The "Eligibility Period," As Same Is Defined Therein, Under Which A Covered Contractor May Qualify To Pay A New Employee The \$8.56 Per Hour Wage Scale; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Garcia; seconded by Commissioner Smith; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 30, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. T.C. Adderly to handle.

12:17:15 p.m.

- R5E An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance; Increasing On The First Pay Period Ending May 4, 2003, The Minimum Of The Ranges By 4% And The Maximum Of The Ranges By 4%; And By Establishing The Classifications Of Assistant Director – Neighborhood Services, Housing Manager, Office Of Community Services Division Director, Labor Relations Division, Director, Labor Relations Technician I, Special Events Coordinator, Public Art Coordinator; And Amending The Titles Of The Classifications Of Housing Development Division Director To Community Development And Housing Division Director, Labor Relations Technician To Labor Relations Technician II, Training Development Coordinator To Organizational Development And Training Coordinator, Training Specialist To Organizational Development And Training Specialist; And Abolishing The Title Of Classification Of Assistant To The Neighborhood Services Director, Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**
(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 30, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. T.C. Adderly to handle.

12:15:48 a.m.

- R5F An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For Classifications In Group VI, Being Other Classifications In The Classified Service Not Covered By A Bargaining Unit; Increasing On The First Pay Period Ending May 4, 2003, The Minimum Of The Ranges By 4% And The Maximum Of The Ranges By 4%; And By Establishing The Classification(s) Of Ice Rink Technician And Sanitation Operations Supervisor; Amending The Titles Of Classifications Of Personnel Technician I To Human Resources Technician I, Personnel Technician II To Human Resources Technician II, Personnel Technician III To Human Resources Technician III; Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**
(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for April 30, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. T.C. Adderly to handle.

R6 - Commission Committee Reports

R6A Report Of The Land Use And Development Committee Meeting Of March 17, 2003: **1)** Discussion Regarding Ordinance Amending Chapter 6 Of The Code Of The City Of Miami Beach To Allow Establishments To Extend The Hours Of Sale Of Alcoholic Beverages And Hours Of Operation During Designated Holidays And Special Events; **2)** Discussion Regarding South Pointe Quality Of Life Issues; **3)** Discussion Regarding The Proposed Establishment, Taverna Opa Restaurant, Located At 36-40 Ocean Drive; **4)** Discussion Regarding Guidelines For The Multi-Family Housing Rehabilitation Program; **5)** Discussion Regarding A Small Section In Miami Beach That Seems To Be Out Of Scale With The Rest Of The City; **6)** Discussion Regarding The Possibility Of Making 4th Street, From Alton Road To Michigan Avenue, A One Way Road During School Hours; **7)** Proposed Ordinance Regarding Single Family Designation And Development; **8)** Discussion Regarding The Proposed Ordinance Regarding Timeframes To Obtain A Building Permit; And **9)** Discussion Regarding The Altos Del Mar Recreational Corridor.

ACTION: Written report submitted and report accepted. See discussion and action on item 9. Motion made by Commissioner Bower to accept the report; seconded by Commissioner Steinberg; Voice vote: 7-0.

Item 1 - Not reached.

Item 2 - Item discussed. No specific action required at this time. The Administration will continue to process amendments that deal with the relevant issues.

Item 3 - Item discussed. Representatives for the owner/operator were advised about the various applicable zoning regulations including the issue of outdoor entertainment.

Item 4 - Motion to approve the revised guidelines (2-0) Garcia/Bower

Item 5 - Not reached.

Item 6 - Provide update via LTC. **Jorge Gomez to handle.**

Item 7 - Not reached.

Item 8 - Not reached.

Item 9 - Motion #1 - Direct the Administration to continue working with residents to address their concerns but not to re-route path to Collins Avenue (3-3) Motion failed.

Motion #2 - Direct the Administration to continue to work with residents to address their concerns; however, no re-routing of path to Collins Avenue and require that the path be constructed with hard packed sand for the two block area adjacent to the single family housing in the Altos Del Mar (3-3). Motion failed.

The Committee concluded to discuss this issue at a full Commission meeting. **Jorge Gomez to handle.**

Item 9 - City Commission discussion and action:

Commissioner Smith asked about the status of the Altos Del Mar Recreational Corridor.

Jorge Gonzalez, City Manager, stated that the Administration is proceeding with the last policy direction which is to proceed with an at-grade pedestrian solution that connects North Shore Open Space Park to the boardwalk. The Administration has been working with the developer and his representatives to try to compromise on the width, size, location, lighting, etc. At the last Land Use and Development Committee meeting there was a discussion about perhaps changing the surface to a hard pack. The Administration continues to work with the residents and the developer to reach a compromise. Legal is researching ADA requirements relative to the surface. He stated that he is not sure that the Administration will be able to reach a final compromise that the developer and residents will accept.

Commissioner Bower stated that her other issue is roller-skating and bicycling.

Jorge Gonzalez, City Manager, stated that on the beach-walk roller-skating and bicycling is allowed but not on the boardwalk

Commissioner Bower expressed her concern about walkers and roller-skating and bicycling on the same path. **This issue was referred to the Neighborhoods Committee. Vivian Guzman to place on the agenda.**

Jorge Gonzalez, City Manager, stated that the Administration will continue to try to reach a compromise with the residents and developer in North Beach, absent the ability to reach a compromise, it will need to come back to the City Commission and the Administration to proceed.

At the April 30 Commission Meeting the Administration will either present the compromise on the surface or seek the Commission direction. **Robert Middaugh to handle.**

R7 - Resolutions

10:24:27 a.m.

1:23:47 a.m.

R7A A Resolution Authorizing The Mayor And The City Clerk To Execute A Lease Agreement Between Murano Two, Ltd., A Florida Limited Partnership, The City Of Miami Beach, Florida, And The Miami Beach Redevelopment Agency For The City Unit, Which Consists Of 145 Parking Spaces, Permanent Laundry, Lavatory And Shower Facilities And A Trash Room And Maintenance Building, Located On The First Floor Of The Parking Garage Of The Murano Grande Project On The South Portion Of The SSDI-North Parcel; Ratifying The Appropriation Of \$1,877,124 From The South Pointe Redevelopment Tax Increment Fund For The Payment Of The Capital Cost Of 140 Parking Spaces And The Other Described Facilities; Ratifying The Appropriation Of \$101 For The Single Installment Of Base Rent For The Initial 101-Year Term Of The Lease; And Ratifying The Appropriation Of \$10,020 For The Proportionate Share Of Operating Expenses For The First Year As Provided In The Lease; Further Authorizing The Mayor And The City Clerk To Execute A Lease Agreement Between Murano Three, Ltd., A Florida Limited Partnership, The City Of Miami Beach, Florida, And The Miami Beach Redevelopment Agency For The City Unit, Which Consists Of 206 Parking Spaces, Permanent Office Space And Electric Room, Located On The First Floor Of The Parking Garage Of The Icon Project, On The North Portion Of The SSDI-North Parcel; Ratifying The Appropriation Of \$2,585,375 From The South Pointe Redevelopment Tax Increment Fund For The Payment Of The Capital Cost Of The City Unit; Ratifying The Appropriation Of \$101 For The Single For The Single Installment Of Base Rent For The Initial 101-Year Term Of The Lease; And Ratifying The Appropriation Of \$15,560 For The Proportionate Share Of Operating Expenses For The First Year As Provided In The Lease.

Joint City Commission And Redevelopment Agency

(Economic Development)

ACTION: Heard in conjunction with RDA Item 3A. Discussion held item 3A. Resolution No. 2003-25170 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

See action under RDA-3A

Handout or Reference Materials:

1. Spreadsheet submitted by Christina Cuervo, Assistant City Manager, Murano Grande and ICON

11:36:19 a.m.

R7B A Resolution Approving And Officially Adopting The Basis Of Design Report And Addendum No. 1, Defining And Describing Series 2000 Water And Sewer Bond, 1999 General Obligation Bond, And 2000 Stormwater Revenue Bond Funded Capital Improvements To Be Implemented Through The Bayshore Right-Of-Way Improvement Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2003-25171 adopted. BODR amended. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 7-0. Tim Hemstreet to handle.

Tim Hemstreet, CIP Director, gave a PowerPoint presentation.

Vice-Mayor Garcia asked about 40 Street - Chase to Sheridan, will there be any type of buffering, because on the north side of the church there is a parking lot for the building. **Tim Hemstreet will look into during the design.**

At the request of Commission Gross, Tim Hemstreet, CIP Director, reviewed the time schedule for Bid Package "A", Bid Package "B", Bid Package "C", and Bid Package "D."

Commissioner Gross stated that the Prairie project across the street from Beach High needs to be coordination with Miami Beach Senior High School building project. **Tim Hemstreet to handle.**

Commissioner Gross asked about bike paths. He stated that he gets questions on this from the citizens wanting to travel from the north to the south of the beach from 63rd Street to Dade Boulevard.

Rick Olsen, CH2Mhill, spoke on the bike paths.

Mayor Dermer stated that bike paths are absolutely necessary.

Commissioner Gross asked to keep the issue of a bike path from 63rd Street to Dade Boulevard. Tim Hemstreet, CIP Director, will work with the Public Works Department on the bike path and will report via an LTC. **Tim Hemstreet to handle.**

Commissioner Gross asked about the narrowing of the roads and increasing the swale area and requested to keep this as an alternative.

Commissioner Gross asked about the water meter relocation.

Tim Hemstreet, CIP Director, stated that any house in this neighborhood that has a water meter in the backyard will have their meter and the water main relocated to the front yard. There is money allocated to do the relocation.

Commissioner Gross asked if the property owner could hire their own contractor and have the City reimburse the property owner.

Jorge Gonzalez, City Manager, stated that the Administration will look into this. **Tim Hemstreet to handle.**

Mayor Dermer stated that the Sunset Island has never had and doesn't want sidewalks. **Tim Hemstreet to handle.**

Handout or Reference Materials:

1. Bound book titled: CH2Mhill City of Miami Beach Infrastructure Improvement Basis of Design Report - Neighborhood: No. 8 - Bayshore/Sunset Islands

1:01:44 p.m.

R7C A Resolution Authorizing The City Manager, Pursuant To The Beachfront Management Agreement By

Prepared by the City Clerk's Office

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And Between The City Of Miami Beach And The State Of Florida, And In Accordance With Florida Statutes, To Provide Input For The City's Submittal Of An Update To The City's Beachfront Management Plan To The State Of Florida; Also, Specifically Appointing A Member Of The City Commission To Serve On The Advisory Group, If Necessary, And If Required, Pursuant To Section 259.032(B) Of The Florida Statutes.

(Economic Development)
(Deferred From March 19, 2003)

ACTION: Resolution No. 2003-25172 adopted. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 7-0. Christina Cuervo to handle.

Motion made by Commissioner Bower to appoint Stuart Reed representing the Local Conservation Organization; seconded by Commissioner Steinberg; Voice vote: 7-0. Christina Cuervo to handle.

Motion made by Commissioner Gross to appoint Sidney Goldin representing the Local Private Property Owners (Condominiums); seconded by Vice-Mayor Garcia; Voice vote: 7-0.

Ballot Vote for Local Private Property Owners (Hotels); Stuart Blumberg 6 votes, Leo Salom 1 vote.

Motion made by Commissioner Bower to appoint Commissioner Cruz as the elected official representative; seconded by Commissioner Steinberg; Voice vote: 7-0.

12:35:50 p.m.

R7D A Resolution Appropriating An Additional \$1,751,444 To The Reserve For Contingencies In The General Fund (11% Emergency Reserve) From The Undesignated Fund Balance Of The General Fund.
(Finance Department)

ACTION: Resolution No. 2003-25173 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to appropriate the funds.

Jorge Gonzalez, City Manager, stated that as part of the Administration's fiscal management plan, 11% of the City's budget each year is set-aside each year for emergency purposes. This appropriation is made annually. The rating agencies see this as being fiscally prudent.

Commissioner Gross talked about item "E". See Reports and Informational Items "E."

12:36:18 p.m.

R7E A Resolution Setting A Cap Of 15% Of The Assessed Property Value Or \$250,000, Whichever Is Greater For Daily Fines Imposed By The Special Master For Life Safety Violations And A Cap Of 10% Of The Assessed Property Value Or \$125,000, Whichever Is Greater For Non-Life Safety Violations.
(City Manager's Office)

ACTION: Resolution No. 2003-25174 adopted the Administration's recommendation as amended and amend the enforcement procedures. Motion made by Commissioner Steinberg to adopt the policy without the cap provision with the amendment offered by Commissioner Gross that the policy be amended on item #1 to inform the violators; seconded by Commissioner Bower; Voice vote: 7-0. Robert Middaugh to handle.

Amendment to the noticing procedure

Commissioner Gross asked to add into the enforcement procedures - Item 1, the process to let people know when they are starting to be fined.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:

Direct appointments made:

Barrier Free Environment Committee:

Franklin Zavala-Velez	Term expires	12/31/03	Appointed by Commissioner Cruz
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Debarment Committee:

Luis Marcelin	Term expires	12/31/04	Appointed by Vice-Mayor Garcia
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Committee on the Homeless

Ken Carsto	Term expires	12/31/03	Appointed by Mayor Dermer
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Community Development Advisory Committee:

Mariana Morgan	Term expires	12/31/03	Appointed by Commissioner Cruz
*City Clerk's Note - Replacing Rebecca Johnson			

Loan Review Committee:

Maria Paulsen	Term expires	12/31/03	Appointed by Vice-Mayor Garcia
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Transportation and Parking Committee:

Steven Kozlowski	Term expires	12/31/04	Appointed by Mayor Dermer
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Youth Center Advisory Board:

Luis Salom	Term expires	12/31/04	Appointed by Vice-Mayor Garcia
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1:23:15 p.m.

R9A1 Health Advisory Committee Appointment.

(City Manager's Office)

(Deferred From March 19, 2003)

ACTION: Motion made by Commissioner Gross to re-appoint Zalman H. Bacheikov, D.D.S. and appoint Heidi Azari R.N., and Jorge Perez, M.D.; seconded by Commissioner Bower to appoint Zalman H. Bacheikov; Voice vote: 7-0. Cliff Leonard to handle.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:**Milt Montalvo:** Spoke on the following:

- 1) There is a French merchant complaining to him about not having any business because of what is going on and they are not part of government, but out of 10 employees, 8 of them are Americans.
- 2) When is a supermarket going to open on 5th Street?
- 3) He also spoke about slowing up traffic because 16th street is a "death corner."
- 4) More policemen are needed on the streets.

Mayor Dermer replied that there is a proposal being processed and there will be a supermarket on 5th Street.

Commissioner Cruz stated that this is a private sector deal and the City does not control it.

Franklin Zavala-Velez: Spoke on the following:

- 1) Free parking for the handicapped at the airport and also taxi cabs with wheelchair accessibility in this county have been approved. There will be 10 cabs accessible to wheelchairs by this July, and 100 by next year.
- 2) Two years ago the Miami-Dade County delegates told him that they could not help him with his programs, his idea of a vanity license plate for motorcycles came through and it generates revenues, and most of his programs for the spinal cord injured and the blind will take effect on July 1, 2003.
- 3) Another bill called "personal care attendant pilot program" has passed to offset Medicare for senior citizens that cannot pay, 25 % of the general revenue will fund this program,
- 4) Commission for the death program is on the senate floor. The Miami-Dade County delegation did not support this program but Commissioner Matti Bower, Vice-Mayor Garcia and former Commissioner David Dermer supported it. He asked the Mayor where his four wheelchairs for the beach are.

Bunny Patchen: Spoke on what has been happening on her street. The house adjacent to hers at 2060 North Bay Road was purchased last May and nothing has been done with the house. A demolition permit was issued over a month ago, yet nothing has been done. The yard is severely overgrown. There are four other properties on the water on North Bay Road that are in the same condition. She has talked to Code Compliance about them. There are two properties at 3080, where the owner aggregated the properties without permits. Another problem is at 2374 North Bay Road where the property is not maintained. There is a property beside 2060 that does not have an address but it is not maintained. She stated that the yards need to be maintained because the neighborhood is getting full of rodents.

Mayor Dermer instructed the City Manager to have Code Compliance investigate the properties. **AI Childress to handle.**

Mark Johnson: Spoke on the following issues:

- 1) Invite the U.S. Navy to a party when our sailors come back to a well deserved "R & R" break. These American heroes have pockets full of money that they have not been able to spend. If our City Commission forms a task force to lobby the morale and welfare officers of these ships, there is a good chance that we could have these heroes stop here in sunny Miami Beach. The Commander-in-Chief is the governor's brother and could order the troops to stop in Miami Beach. This would be a big

boom to tourism. The Air Force and Army personnel receive travel benefits when they take leave. He stated that the business community could offer special travel packages to these soldiers and the publicity gained from a city inviting these heroes could be national. The cost is minimal and the rewards are great.

- 2) He also spoke about the Lincoln Road Markets. He owns a flower shop. He stated that there is one flower vendor that has 8 booths and this is a monopoly and keeps other flower vendors from coming into the market. He has a petition signed by all the flower vendors asking that before the contract is negotiated not to allow one vendor with multiple booths because they want fair competition. He apologized to Commissioner Steinberg for the derogatory remarks he made during the election.

Mayor Dermer stated that this is a very good idea and he likes it and will be explored further. **Donna Shaw to handle.**

Commissioner Bower agreed that this is a good idea and that the City should do something.

Robin Donenberg: He is the owner of Moon Dance on Lincoln Road. He spoke on the increasing abuse of city property and destroying the right to equal opportunity by all business on Lincoln Road. He explained that by allowing the landlords to assign the city property as a part of the lease deal reduces the equality that everyone is entitled as taxpayers. By allowing the landlords to assign the space and by the City not charging a realistic dollar value for the space, the landlords charge extremely high amounts per square foot for their properties. This abuse is taking place in the restaurant sector where the landlords are charging high amounts for the space that belongs to them and justifying it by assigning the restaurant operators city property. The real problem is that the landlords are assigning the space in front of three or four adjacent stores. He stated that the landlords are taking advantage of the \$12.50 per square foot that the City charges for the City's space. This makes it impossible for the smaller independent business to compete equally and creates a high turnover of business in Lincoln Road. The small storeowners pay the all the City's taxes in front of their stores and an environment of equal opportunity should exist for all the taxpayers. The City can control this situation and protect the equal opportunity for everyone. He read a list comparing the prices paid by small stores compared to what the restaurants are paying. He requested that the assignment of the space in front of the store should be done by the City and not the landlords. By doing this, the landlords cannot make this part of their lease agreements.

Commissioner Smith stated that Mr. Donenberg was very eloquent and invited him to attend the next meeting of the Finance and Citywide Projects Committee when sidewalk cafes fees will be discussed. He stated that this is the point he has been trying to make for a long time, that the City of Miami Beach is subsidizing landlords on Lincoln Road.

Jorge Gonzalez, City Manager, requested a copy of the data read by Mr. Donenberg.

Commissioner Cruz stated that what Mr. Donenberg stated supports what Commissioner Smith and he have been saying.

Commissioner Bower stated that she agrees with Mr. Donenberg because when the ordinance was passed she stated that there was a loophole. Basically the City has given the landlords the right to make money on public property. She stated that the amendment to this ordinance is stuck in bureaucracy.

Commissioner Steinberg stated that he renewed his concerns with the Manager. He stated that management should be making sure that the individuals that are renting the space from the City are using the space allowed to use and are not going outside their designated area. **Al Childress to handle.**

Handout or Reference Materials:

1. Typed document submitted by Mr. Donnenberg containing an analysis of how property owners on Lincoln Road charge their renters

Joe Fontana: He stated that the City Commission and the City Manager should be aware that there are approximately 15 men (City employees) serving in the armed forces in Iraq. He stated that he has the names and the departments where they work, and suggested to the City Commission and the City Manager to make some type of recognition in the lobby to make everyone aware of these employees are serving in Iraq. This will be a great tribute to our employees serving in the war.

Vice-Mayor Garcia stated that this is called an "honor roll."

Mayor Dermer stated this is a good idea and instructed the Manager to have some sort of honor roll representing city employees that are serving overseas in the military. **Ramiro Inguanzo to handle.**

Marty Evans: Spoke on Bay Link. He stated that Bay Link could help launch the greater Miami Beach/South Florida regional summit in the future with transportation being the main item. He spoke on the ways to determine what is really in the best interest of the City of Miami Beach and the surrounding areas with respect to the proposed Bay Link rapid transit project such as public referendum, the beach commissioner's votes, the City Manager's recommendation, the planning consultant's advice, etc. He commended the Mayor for protecting the interests of the beach residents and stated that he is even better than his father. He stated that the "Portland Trolley" is worth looking at. He suggested that a pro and anti Bay Link debate should be part of the program moderated by Mike Putney and maybe Mayor Dermer should represent the anti Bay Link side of the issue, and Luther Campbell handling the pro side of the issue.

Handout or Reference Materials:

1. Speakers' List

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

5:08:47 p.m.

R9C A Request By The Lofts At South Beach, Inc., Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Pertaining To DRB File No. 16907. **2:00 p.m. Public Hearing.** (Planning Department)

ACTION: Public Hearing held. Pursuant to a written request from the appellant, Mr. Bart Seidler, the Public Hearing was Opened and Continued to April 30 at 2:00 p.m. Motion made by Commissioner Bower to Open and Continue the Public Hearing; seconded by Commissioner Cruz; Voice vote: 7-0. Lilia Cardillo to place on the April 30 Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

11:05:59 a.m.

R9D Discussion Regarding The North Beach Residents Coalition.
(Requested By Commissioner Matti Herrera Bower)

ACTION: Discussion held.

Commissioner Bower stated that she was approached by several members of the North Beach Residents Coalition who wanted to update the City Commission on what they are doing.

Begonia Calcerrada, President of the North Beach Merchants Association and North Beach Residents Coalition, explained by the Coalition was formed for the needs of the medically uninsured low income residents of North Beach.

Diana Susi spoke.

Raymond Adrian from Unidad - Miami Beach Hispanic Community Center, spoke.

Begonia Calcerrada requested that the City's webpage link to the North Beach residents their association's webpage. **Kay Randall to handle.**

Commissioner Bower stated that Barry Klein, Chair of the North Beach Development Corp. asked what the Coalition is all about. She requested the Coalition contact NBDC.

Commissioner Smith requested that the Commissioners be invited to their meetings.

Commissioner Steinberg suggested the Coalition to include the homeowners association in the area and also to perhaps change their name to be more representative of their purpose.

Commissioner Smith requested that the Coalition reach out the different homeowners associations.

12:50:54 p.m.

R9E Discussion Regarding Providing Information About Activities Of Boards And Committees Outside The City On Which Individual Commissioners Sit As Representatives.

(Requested By Commissioner Matti Herrera Bower)

ACTION: Discussion held.

Commissioner Bower is requesting a process for the Commissioners who sit on non-City Committees, such as the Dade League of Cities, Metropolitan Planning Organization, Tourist Development Council, Performing Arts Center Trust, etc, to report back the activities of the meeting.

Jorge Gonzalez, City Manager, suggested to add a category called "Commissioners Committee Minutes" be added to the Commission Agenda for these reports.

Commissioner Steinberg suggested circulating Committee Agendas before the meeting.

Jorge Gonzalez, City Manager, stated that administratively he requested the Mayor and Commissioners to forward the minutes to the Administration in the same manner discussion items are handled today. It will then be inserted into the agenda. **Lilia Cardillo to handle.**

Commissioner Gross requested that the R9A detail Board and Committee Report be eliminated except for the months of December and January, and insert only the Board and Committee Summary Report, the Commission Committees Report, and a listing of non-city committees and the Commissioner assigned to represent the City of Miami Beach. The members of the City Commission were in agreement. **R. Parcher to handle.**

5:09:08 p.m.

R9F Discussion/Verbal Report On The Mayor On The Move South Beach Meeting.
(Requested By Mayor David Dermer)

ACTION: Discussion held.

Mayor Dermer stated that there was a Mayor-on-the-Move on Monday, March 31, at the Police Station and residents raised a number of issues affecting the quality of life in South Beach. The two general categories were noise, and general disorder. He stated that this Commission and the Administration feel these issues must be handled vigorously and proactively. The residents' complaints need to be dealt with. Mayor Dermer asked that speakers address the initiatives being taken.

Jorge Gonzalez, City Manager, stated that since becoming City Manager his task has been to balance the quality of life needs of the residents with the needs and demands of the business and tourism community. Ultimately the Commission has established the goals that the Administration provides a clean and safe environment for all who come to Miami Beach and at the same time protect the quality of life of our residents. Some of the successes have been the introduction of the South Beach Service Team which enhances the areas cleanliness in the entertainment district and some of the business corridors; the homeless outreach program, which has had great success in trying to reduce the instances of homelessness, the creation of a Community Outreach Program that was formed to better understand the community's needs, and the recently introduced entertainment district Police patrol consisting of a captain, lieutenant and a bike patrol which is patrolling during the entertainment hours. The Administration has listened carefully to the residents' needs. There have been some short term solutions implemented and some long term solutions being considered.

Mayor Dermer stated that he believes the Commission as a whole is in agreement that a clear message is sent through the Police Department that there are some types of activities which will not be tolerated. This needs to come through strong and vigorous policing.

Jorge Gonzalez, City Manager, stated that the plans going forward are focused on four (4) key areas: Police, Code Compliance, Sanitation, and the Planning Department. The Police Department, over the next 30-days, will create a task force which will increase the number of police officers by about 20 in the South Beach area to specifically address the noise and public disorder issues. The noise ordinance will be strictly enforced for boom boxes, straight-pipes, and loud vehicles. The Administration is getting outside resource to enhance the homeless efforts. In Code Compliance resources are being redirected to provide for 7-days per week coverage. There will a more stringent policy regarding noise violations within nightclubs. An ordinance is being crafted to better regulate the distributing of advertising flyers. In the sanitation area a third day of cleaning will be added east of Washington Avenue. Cleaning crews will be starting earlier and starting closer to the clubs and work out from the clubs. As part of the Mayor's Blue Ribbon Tourism Task Force, a liter campaign is being worked on. The Planning Department is developing several ordinances. One will prohibit open-air or outdoor entertainment in the CPS districts in the South Pointe area. The ordinance has received Planning Board approval and is expected to be on the April 30 Commission Agenda. Another ordinance is being worked on which will require certain restaurants that operate as restaurants during the day and transform themselves into nightclubs in the evening, to abide by all of the City Code requirements of a nightclub when acting as a nightclub.

Chief De Lucca spoke.

Frank Del Vecchio spoke.

Josh Fisher spoke.

Ruth Remington spoke.

Steve Polisar stated that between now and the April 30 Commission Meeting, the Nightlife Industry Task Force meet with the residents to see if common ground can be reached. **Christina Cuervo to handle.**

David Haber, Esq. spoke.

Eugene Woodard spoke.

Commissioner Cruz requested a citywide map to visually identify the offending business. **Jorge Gomez to handle.**

Frank Fiorentio spoke.

Skip Taylor, Esq. spoke.

Jim Guildersleeve spoke.

Mike Kreitzer spoke.

Clotilde Luce spoke.

Morris Sunshine spoke.

Arthur Marcus spoke.

Commissioner Steinberg stated that in order to get consistent and sustained enforcement, south of 5th Street is the RDA funding of the community policing for enhanced services, to ask Miami-Dade County Commissioner Barreiro to get the County to agree that the City of Miami Beach can use the funds for enhanced police services. **Christina Cuervo to handle.**

Commissioner Gross asked that everyone support the New World Symphony and the building at 17 Street and Washington. The City Commission has to create the vision that will attract the type of tourist who will spend cultural and preservation dollars in our businesses.

Handout or Reference Materials:

1. Letter From Frank Del Vecchio, dated April 8, 2003, to Robert Parcher, City Clerk, dated April 8, 2003, RE: Speakers' list, April 9 Commission Meeting Agenda R9F
2. Document unknown submitter titled: "Quality of Life for Residential areas Enforce the Laws:"
3. Letter from David S. Colton, not dated and not signed.
4. Letter from Gary Knight.

10:45:56 a.m.

R9G Discussion Regarding Design/Construction Of The Miami Beach Golf Club On Alton Road.
(Requested By Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Discussion held.

Vice-Mayor Garcia stated that this was brought to his attention by Stu Blumberg. He and Stu attended a function at the Miami Shores Country Club and they both agreed it would be nice in the future to be able to hold a similar event at the Miami Beach Golf Club. He stated that it was brought to his attention that the size of the Miami Beach Golf Club facility as presently designed may be too small to accommodate similar activities. He stated that the facility is designed for 80 people and any tournament will have at least 144 golfers. He stated that the plans should be revised.

Stu Blumberg stated that this is not for the purpose of having functions at the Miami Beach Golf Club that would normally be held in hotels. This is for golf tournaments. He stated that a tournament being held on Sunday has about 144 golfers, and 120 are signed up to eat. If he wanted to hold the tournament at Miami Beach Golf Club next year he would not be able to fit his people. There is an outside patio; however, the heat factor needs to be considered. There is the additional cost of putting up a tent. There are at least 260 charity golf tournaments a year which take place in Miami-Dade County, in addition to companies which hold tournaments. Perhaps the patio should be enclosed and air-conditioned so it can seat up to 150 people. In discussion with Robert Middaugh, Assistant City Manager, and Kevin Smith, Director, Parks and Recreation Department, it was determined that they would look into the possibility of enclosing the paved patio.

Jorge Gonzalez, City Manager, added that the decision was made, there is a design, a contract has been awarded and the contractor has mobilized and is working. The Administration can look into the possibility of a change order to enclose the outdoor patio given the funding. The Administration is prepared to do the research as directed.

Commissioner Cruz asked to research why the original decision was made. Mayra Diaz Buttacavoli answered the question.

Commissioner Gross asked if the City is meeting the debt service and does Professional Course Management have any comments on the size of the facility?

Jorge Gonzalez, City Manager, for the December/January figures, which were transmitted via an LTC, showed that the projection was being achieved. He has not seen the January/February figures. He also stated that he would like to proceed with the construction. It will cost the City more to demobilize the contractor at this point. The Administration will explore the opportunities. **Tim Hemstreet to handle.**

Mayor Dermer requested an LTC on the current operating figures and the status. **Kevin Smith to handle.**

12:28:18 p.m.

R9H Discussion Regarding A Status Report On Miami Beach's Role In The Upcoming FTAA Ministerial.
(Requested By Mayor David Dermer)

ACTION: Discussion held.

Mayor Dermer stated that this is a proposal to try and get the Free Trade Association of Ministers which encompasses the Caribbean and Latin America, to come to Miami Beach. It has been an initiative by the governor. The City of Miami, Miami-Dade County and the City of Coral Gables have been very active in this initiative. They have asked the City of Miami Beach to participate. He stated that there are some expenses associated with this. They are asking for approximately \$150,000 for in-kind police services. They also requested a contribution of approximately \$45,000. He stated that before anything is done, this issue needs to be discussed by this Commission to see how it benefits Miami Beach. He stated that he is hoping to have representatives from the FTAA Ministerial here to brief this Commission.

Commissioner Cruz asked if the City had committed any funds to this issue and have they requested anything from us.

Mayor Dermer stated that no funds have been committed, but that they are pushing for funding from Miami Beach.

Jorge Gonzalez, City Manager, stated that he is aware that through the mutual aid agreement they will be requesting 5,000 police officers region wide to provide security for this activity. He stated that the City of Miami Beach will be participating in that and at this time he does not know the cost. Beyond that he has not been asked to contribute any money.

Mayor Dermer stated that this Commission will make the decision of whether or not to give and how much.

Vice-Mayor Garcia thanked the Mayor for bringing this issue to the attention of the Commission and stated that if they will be voting on this issue, they need to be kept informed. He suggested that the Mayor send a representative from the Commission or the Administration to the next meeting rather than sending an aide. He asked if there is any type of federal funding for this purpose.

Mayor Dermer stated that the organization is looking at federal and state funding along with the municipalities and the event will be held in Miami.

Jorge Gonzalez, City Manager, stated that as the Administration understands it, there will be several thousand protestors and oftentimes they camp out and they will camp out on our beaches.

Vice-Mayor Garcia stated that also the delegates will be staying throughout the entire County.

Jorge Gonzalez, City Manager, stated that the event will be taking place and will be held primarily in Miami and at the Biltmore Hotel in Coral Gables.

Commissioner Cruz stated that this is a very important issue and at the moment there is little information. He emphasized that information is needed in order for this Commission to make the right decision on exactly what resources are needed. He requested that the Administration provide the Commission with this information so that a decision does not have to be made under duress.

Commissioner Bower asked if there are any other related events and where are they?

Mayor Dermer stated that the issue for Miami Beach will be hotel stays and as far as related events or parties on Miami Beach, there are none so far that he knows of.

Mayor Dermer stated that he will invite them to the next Commission Meeting.

Vice-Mayor Garcia reminded Mayor Dermer to send a representative from the Administration or the

Commission.

Commissioner Gross requested any material available be included on the next Commission Agenda.

12:21:59 p.m.

R9I Discussion Regarding A Resolution Urging The Florida House And Senate To Ratify The Equal Rights Amendment.

(Requested By Mayor David Dermer)

ACTION: Discussion held. Resolution No. 2003-25175 adopted. Motion made by Commissioner Steinberg; seconded by Commission Bower; Voice vote: 7-0. R. Parcher to transmit the resolution to transmitted to the President of the United States, the Secretary of State of the United States, the President of the Senate for the United States, The Speaker of the House of the Representatives of the United States, The Administrator of the General Services Administration of the United States, the Governor of the State of Florida, the President of the Florida Senate, and the Speaker of the Florida House of Representatives.

Mayor Dermer recognized Murray Dubbin, City Attorney, as one of the leading champions of this movement in 1973. He encouraged everyone to listen to Mr. Dubbin's tape of his speech at the floor of the House advocating, as the close up speaker. Mayor Dermer stated that Mr. Dubbin was a great leader on this issue.

Murray Dubbin, City Attorney, stated that The Equal Rights Amendment passed the House of Representatives in 1972. He explained that he was the floor leader both times. In 1972, it was adopted and sent to the Senate. At the time, the president of the Senate was Jerry Thomas a democrat and very conservative who subsequently became a republican and ran against Ruben Askew for governor. He stated that Mr. Thomas, as president of the Senate, did not like the Equal Rights Amendment and he would not let it pass the Senate in 1972. This amendment was taken up again in 1973 under a different president of the Senate, different Speaker, and again Mr. Dubbin was the lead speaker. Mr. Dubbin explained that at that time the opposition, the disciples of Phyllis Schlafly were very well organized and descended on the legislation with big "Stop ERA" signs and the amendment did not pass the House of Representatives at that time. Mr. Dubbin stated that he has the tape of his speech.

Commissioner Steinberg commended Senator Margolis for her leadership on this issue.

Reports and Informational Items

- A Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

- B Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

- D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.

(Procurement)

ACTION: Written report submitted.

12:36:52 p.m.

- E An Analysis Of Budget To Preliminary Actual Revenues And Expenses For The Year Ended September 30, 2002, For General, Enterprise, And Internal Service Funds.

(Finance Department)

ACTION: Written report submitted. Commissioner Gross stated that last year budget showed the City was under budget. This is primarily due to unfilled positions. The resulting savings are being put into the reserve.

Jorge Gonzalez, City Manager, stated that when the Commission approved last fiscal years budget, it was approved right after 9/11 Twin Tower tragedy. The Administration requested the Commission to allow the City Manager to take the steps necessary to make sure the budget ended in a balanced or positive budget. The Administration immediately implemented a hiring freeze with any hiring requiring the City Manager's approval. He stated that he appreciates the confidence of the City Commission.

- F Transportation And Parking Committee Oral Report By Stephen Nostrand.

(City Manager's Office)

(Deferred From March 19, 2003)

ACTION: Withdrawn.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
April 9, 2003**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS

10:22:08 a.m.

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of February 2003.

ACTION: Written report submitted.

3. NEW BUSINESS

10:24:27 a.m.

1:23:43 p.m.

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Chairman And Secretary To Execute A Lease Agreement Between Murano Two, Ltd., A Florida Limited Partnership, The City Of Miami Beach, Florida, And The Miami Beach Redevelopment Agency For The City Unit, Which Consists Of 145 Parking Spaces, Permanent Laundry, Lavatory And Shower Facilities And A Trash Room And Maintenance Building, Located On The First Floor Of The Parking Garage Of The Murano Grande Project On The South Portion Of The SSDI-North Parcel; Appropriating \$1,877,124 From The South Pointe Redevelopment Tax Increment Fund For The Payment Of The Capital Cost Of 140 Parking Spaces And The Other Described Facilities; Appropriating \$101 For The Single Installment Of Base Rent For The Initial 101-Year Term Of The Lease; And Appropriating \$10,020 For The Proportionate Share Of Operating Expenses For The First Year As Provided In The Lease; Further Authorizing The Chairman And Secretary To Execute A Lease Agreement Between Murano Three, Ltd., A Florida Limited Partnership, The City Of Miami Beach, Florida, And The Miami Beach Redevelopment Agency For The City Unit, Which Consists Of 206 Parking Spaces, Permanent Office Space And Electric Room, Located On The First Floor Of The Parking Garage Of The Icon Project, On The North Portion Of The SSDI-North Parcel; Appropriating \$2,585,375 From The South Pointe Redevelopment Tax Increment Fund For The Payment Of The Capital

Cost Of The City Unit; Appropriating \$101 For The Single For The Single Installment Of Base Rent For The Initial 101-Year Term Of The Lease; And Appropriating \$15,560 For The Proportionate Share Of Operating Expenses For The First Year As Provided In The Lease.
Joint City Commission And Redevelopment Agency

ACTION: Heard in conjunction with Item R7A. Discussion held. Resolution No. 448-2003 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Gross; Voice vote: 7-0. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

Christina Cuervo, Assistant City Manager, stated that this item is the final two lease agreements for parking in connection with the Portofino Settlement. The first lease agreement is with the Murano Grande project. There are appropriations monies for the pre-set capital cost, the \$101 single rent payment, and the proportionate share of the common area maintenance expenses for the lease. The second part of the resolution has to do with the parking spaces. This completes the obligation to provide parking for the Marina Facilities and in connection with the settlement agreement with Portofino.

Commissioner Gross asked that if the Administration is going to be giving supplement materials at the last minute to redline the changes.

Commissioner Smith stated that other than the monies being layout to purchase these agreements and the \$101 that needs to be paid for the privilege of leasing it, what other financial exposure does the City have in entering into this agreement?

Christina Cuervo, Assistant City Manager, stated that there is an obligation to pay the on-going electric utility cost, real estate taxes, any special assessments, and the cost of insurance. The Marina operator has to pay for security, utilities, maintenance and upkeep. However in the lease it does pass on the cost of any structural damage to the facility the City would have to pay the portion share. The City has 12-months to identify any defects and have recourse to the developer; however, after 12-months it's basically like the City owns a condominium unit and it's ours.

Commissioner Gross asked why the City would sign the agreement with the developer until the City has a signed deal with the Marina.

Christina Cuervo, Assistant City Manager, stated that this is just a management and operating agreement and the assignment clause clarifies this point.

Handout or Reference Materials:

1. Spreadsheet submitted by Christina Cuervo, Assistant City Manager, Murano Grande and ICON

City Clerk's note: The lease shall be one for a term of one hundred one (101) years, unless sooner terminated or extended as provided herein. Tenant shall have the option to renew the term of this Lease for one (1) additional one hundred one (101) year period, for a single installment of base rent equal to \$101.00 plus any applicable sales tax thereon (if any) due and payable when the option is exercised, said option to be exercised by Tenant, if at all, by Tenant's delivery of written notice to Landlord of its election to renew not less than one Hundred eighty (180) days prior to the then expiration date of the Term (failing which Tenant shall be deemed to have waived its options to renew). It should be noted that in the Supplemental Materials, the number of parking spaces for Murano Two, Ltd. changed from 145 to 142 and the corresponding appropriation changed from \$1,877,124 to \$1,844,256.

10:33:56 a.m.

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Accepting The Recommendation Of The Executive Director Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 05-02/03, For The Leasing

And Management Of The Retail Component Of The Anchor Shops And Parking Garage; And Further Authorizing The Administration To Enter Into Negotiations With Miami Beach Development Corporation (MBCDC) And Felenstein Koniver Stern Realty Group (FKS), For The Operation Of The Facility, And If Negotiations Are Not Successful, To Enter Into Negotiations With The Urban Retail Properties Company.

ACTION: Resolution No. 449-2003 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0; Christina Cuervo to handle.

Christina Cuervo, Assistant City Manager, stated that the tenants on 16th Street face a lot of challenges because they don't get a lot of pedestrian traffic. They have faced construction both on Collins and with the Lincoln project. With this in mind, the Administration is requesting to negotiate.

Commissioner Cruz asked what are the challenges facing the tenants?

Christina Cuervo, Assistant City Manager, stated that there are a few issues. The shops on Collins Avenue have done much better than the shops facing 16th Street. 16th Street doesn't promote pedestrian traffic. The Administration along with MBCDC have been pursuing a retail campaign and also trying to help them attract more pedestrian traffic. Another deterrent is the taxi stand in front of them. The lease agreement with the Loews calls for three (3) parking spaces for the taxicabs. The taxicabs create a nuisance in that area. The Administration has requested the County and the head of the taxicab association to meet to see if a solution can be worked out.

Commissioner Cruz stated that the Loews should be willing to workout a solution. They have an issue coming before this Commission shortly and the taxicab stand location should be tied to their request. **Christina Cuervo to handle.**

Vice-Mayor Garcia stated that there is no linkage between the Loews, 16th Street, and Lincoln Road.

Commissioner Bower asked about the Espanola Way, Drexel Avenue, and Lincoln Road linkage.

Roberto Datorre, President of Miami Beach Community Development Corp. explained the work being done to link Lincoln Road, Espanola Way, and Drexel Avenue to the ocean.

End of RDA Agenda